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Letter dated 19 January 2000 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the statement concerning the decision by the Constitutional Court of Ukraine of 30 December 1999 on the death penalty issued on 11 January 2000 by the Presidency of the European Union on behalf of the European Union.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly.

(*Signed*) Antonio **Monteiro**
Permanent Representative of Portugal
to the United Nations

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Annex

[Original: English and French]

Statement concerning the decision by the Constitutional Court of Ukraine of 30 December 1999 on the death penalty issued on 11 January 2000 by the Presidency of the European Union on behalf of the European Union

The European Union welcomes the decision of the Constitutional Court of Ukraine, approved on 30 December 1999, establishing that the provisions of the Ukrainian criminal code regarding the death penalty are unconstitutional, being in violation of articles 27 and 28 of the Constitution, which recognizes the principle of respect for human life and prohibits any kind of inhumane treatment.

We trust that the Ukrainian criminal code will be reviewed in accordance with this fundamental decision.

The European Union finds that this decision shows the willingness of Ukraine to join a positive trend towards the universal abolition of the death penalty, which is the ultimate goal of the European Union, as set forth in the declaration and the guidelines adopted at the General Affairs Council meeting held in Luxembourg in June 1998.

This far-reaching decision is well in line with the aims of the Common Strategy on Ukraine as regards the promotion of human rights, as well as the letter and the spirit of the European Convention for the Protection of Human Rights and Fundamental Freedoms and all other relevant international legal instruments that call for the abolition of this inhumane practice.

In the light of this positive decision, which strengthens the strategic partnership between the European Union and Ukraine, we urge Ukraine to ratify protocol 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which is the first instrument in international law to make the abolition of the death penalty a legal obligation for the contracting parties. The European Union also recalls Ukraine's undertaking, as a member of the Council of Europe, to fully abolish the death penalty by November 1998.

The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — the associated countries Cyprus and Malta and the European Free Trade Association countries Iceland, Liechtenstein and Norway members of the European Economic Area align themselves with this statement.